

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

OHIO

THOMAS J. BARTON,

Petitioner,

JUDGMENT IN A CIVIL CASE

V.

WARDEN, SOUTHERN OHIO CORRECTIONAL
FACILITY,

Case Number: 1:09-cv-00353

Respondent.

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

...the Court ADOPTS and AFFIRMS the Magistrate Judge's Report and Recommendation (docs. 44, 49), and DENIES WITH PREJUDICE Petitioner's Petition for Writ of Habeas Corpus (doc. 1). The Court ISSUES a certificate of appealability with respect to the claim in Ground One, but DECLINES to issue a certificate of appealability with respect to Grounds Two and Three. Finally, pursuant to 28 U.S.C. §1915(a)(3), this Court CERTIFIES that any appeal of this order as to Ground One should be taken in good faith, and any application to appeal in forma pauperis should be GRANTED.

8/2/2012

Date

JAMES BONINI, CLERK

Clerk

s/Kevin Moser

(By) Deputy Clerk